

BEST AVAILABLE COPY

Attorney's Docket: 2001US405
Serial No.: 10/002,710
Group: 1616

REMARKS

The Office Action mailed February 6, 2006, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claims 1-9 and 11-19 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,770,123. Attached to this paper is a terminal disclaimer which disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,770,123. U.S. Patent No. 6,770,123 and the instant application are 100 percent owned by Clariant Finance (BVI) Limited. Therefore, the rejection of claims 1-9 and 11-19 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,770,123 should be withdrawn.

The Commissioner is hereby authorized to charge the fee due under 37 CFR 1.20(d) in the amount of \$130.00 to Deposit Account No. 03-2060. The Commissioner is also authorized to charge any fee deficiency asserted to be paid, or which should have been paid herewith, or with any paper hereafter filed in this application and credit any fee overpayment to Deposit Account No. 03-2060.

In view of the forgoing remarks, the Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



Richard P. Silverman
Agent for Applicant
Registration No. 36,277

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707

Attachment: Terminal Disclaimer over US Patent No. 6,770,123